

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

NAVADA N. FOSTER

CIVIL ACTION NO. 07-1519

VERSUS

JUDGE ROBERT G. JAMES

OUACHITA CORRECTIONAL CENTER

MAG. JUDGE KAREN L. HAYES

RULING

On September 12, 2007, Petitioner Navada N. Foster (“Foster”), acting *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. On October 30, 2007, Magistrate Judge Karen L. Hayes issued a Report and Recommendation recommending that Foster’s petition be dismissed with prejudice as frivolous under 28 U.S.C. § 1915(e)(2)(B)(i). On January 30, 2008, the Court gave Foster sixty days to amend his Complaint and provide additional facts. The Court also remanded the matter to the Magistrate Judge for issuance of a supplemental Report and Recommendation that considers the new facts alleged by Foster. When Foster failed to timely amend his Complaint and provide additional facts, the Court, on May 9, 2008, issued an Order to Show Cause in writing within ten business days why the case should not be dismissed. A copy of this Order to Show Cause was forwarded to Foster at the Ouachita Correctional Center, his last known place of confinement. The Order to Show Cause was returned to the Clerk of Court on May 20, 2008, marked “RTS [RETURNED TO SENDER] not here.”

Local Rule 41.3W, in pertinent part, provides:

The failure of an attorney or *pro se* litigant to keep the Court apprised of an address change may be considered cause for dismissal for failure to prosecute when a notice is returned to the Court for the reason of an incorrect address and no correction is made to the address for a period of 30 days.

In the present case, the Order to Show Cause was returned to the Clerk of Court as undeliverable on May 20, 2008. Foster failed to advise the Court of his new address by June 20, 2008. The thirty day period within which Foster was required to notify the Court of his new address has expired.

Accordingly, for the foregoing reasons,

IT IS ORDERED that Foster's civil rights action is DISMISSED WITHOUT PREJUDICE for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and Local Rule 41.3W.

Monroe, Louisiana, this 23rd day of June, 2008.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE